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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,083	01/22/2004	Thomas E. Creamer	AUS920031063US1	6415

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EXAMINER

TRAN, QUOC DUC

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,083	Applicant(s) CREAMER ET AL.	
	Examiner Quoc D. Tran	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-16, 18-27, 29-33 and 40-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-16, 18-27 and 29-33 is/are allowed.
- 6) ☒ Claim(s) 40-44, 47-53, 56-62, 65 and 66 is/are rejected.
- 7) ☒ Claim(s) 45, 46, 54, 55, 63 and 64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Allowable Subject Matter

1. The indicated allowability of dependent claims 9, 20 and 31 (corresponding to newly added claims 40, 49 and 58) is withdrawn in view of the newly discovered reference(s) to Dumas (6,778,647). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 40-42, 47-51, 56-60 and 65-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Dumas (6,778,647).

Consider claims 40, 49 and 58, Dumas teaches a method and computer program comprising: one or more processors; a memory accessible by the processors; one or more nonvolatile storage devices accessible by the processors; a telephone network; a computer network; and a caller processing tool for processing an incoming telephone call (see Fig. 1 and 2); the method and computer program comprising receiving a message over a computer network, the message corresponding to an incoming telephone call and including caller attributes; retrieving a customer profile using the caller attributes (col. 2 lines 35-67; col. 3 lines 23-48); retrieving a service subscription corresponding to the caller profile; and allowing an initiating

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caller to perform actions corresponding to the service subscription, the initiating caller corresponding to the incoming telephone call, wherein at least one of the actions is selected from the group consisting of placing an order, checking account balance, checking order status, and changing account information (col. 7 line 49 – col. 8 line 2).

Consider claims 41, 50 and 59, Dumas teaches wherein the incoming telephone call is received over a telephone network, and wherein the computer network and the telephone network are heterogeneous (col. 3 lines 61-64).

Consider claims 42, 51 and 60, Dumas teaches the method and system further comprising: determining whether to accept the incoming telephone call based upon the caller profile; and accepting the incoming telephone call in response to the determination (col. 5 lines 19-32).

Consider claims 47, 56 and 65, Dumas teaches the method and system further comprising: requesting a PIN from an initiating caller corresponding to the telephone call; receiving the PIN in response to the request; validating the PIN; and answering the incoming telephone call in response to the validation (col. 5 lines 19-32).

Consider claims 48, 57 and 66, Dumas teaches the method and system further comprising: determining whether to route the incoming telephone call to a particular extension based upon the caller profile; and routing the incoming telephone call to the particular extension in response to the determination (col. 5 lines 50-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 43-44, 52-53 and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumas (6,778,647) in view of Fraser (2004/0047453).

Consider claims 43, 52 and 61, Dumas did not clearly suggest of extracting a port location from the message, the port location corresponding to an incoming port of the incoming telephone call; determining that the incoming telephone call is not at the port location; and logging the incoming telephone call in response to the determination. However, Fraser suggested such (¶ 0028). Therefore it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Fraser into view of Dumas in order to properly identify the caller.

Consider claims 44, 53 and 62, Dumas teaches detecting that a timer has timed out, the detecting resulting in the determination (col. 6 lines 8-10). It should be noted that after three retries the system would terminate the call. Thus, read on the time out.

Allowable Subject Matter

6. Claims 45-46, 54-55 and 63-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-5, 7-16, 18-27 and 29-33 allowed.

Important Notice

8. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 2614***.

Conclusion

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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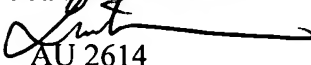
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUOC TRAN
PRIMARY EXAMINER


AU 2614

August 2, 2006